The Sun.

NEWHAVENROAD'S CHALLENGE matter to a finish is indicated by the action

JERSEY RAILROADS IN SOME CONSTERNATION OVER IT.

Appeal to the Courts or the interstate Commerce Commission Expected From the Notice of Intention to Cancel Joint Rates-Grew Out of the Car Per Dicto

The dispute between the New York, New Haven and Hartford Railroad and the railroads of the rest of the country as to what it should pay for the use of their cars over a terminal road, it sets up, and so has the expense of handling freight. Freight comits system has been brought by three occurrences of the last few days to a point where something definite will have to be done immediately to avoid serious damage to the freight traffic of three or four large Eastern roads and considerable inconvenience to most of the roads of the country. Unless the New Haven makes some concession there is a possibility that the other roads will refuse to allow their freight cars to go into the New Haven's territory and led the road to allow the same privilege freight consigned to points on its line will be carried to the pearest junction and dumped out for the New Haven to come and get.

The three occurrences which have precipitated affairs are the filing of notice by the New Haven on Thursday that in thirty days it would cancel all joint rates through Jersey City with all-roads except the Pennsylvania, the announcement on Saturday that the Beston and Maine would retire from the per diem agreement on charges for freight cars and the announcement yesterday of similar action by the Boston and Albany. As the retirement of the New Haven on October 1 from the per diem agreement was whe signal for open hostility, this lines up practically the whole railroad system of New England against the rest of the railroads.

Though New Haven officials refuse to admit that the cancelling of rates through Jersey City is significant of anything ex- is certain that its report will not be subcept an attempt on their part to relieve the congestion between that point and the company's freight yards in Harlem and divert traffic to their Poughkeepsie bridge route the railroads affected by the change say the action is a plain case of retaliation. These roads are the Central Railroad of New Jersey, the Baltimore and Ohio and the Philadelphia and Read-

Under the present system about 800 cars a day are transferred from Jersey the majority report want to qualify their City to the New Haven line in Harlem. these 500 come from the Pennsylvania and the gest from the other roads. A statement issued by the Central of Jersey vesterday savs:

What the notice of the New York, New Haven and Hartford Railroad with regard to cancellation of their rates with the Jersey Central, Reading, Baltimore and Ohio and other rough which now reach Naw England by way of Jersey City and the New Haven's Raftem terminus means, if it goes into effect, tween points on those railroads and New

It means that New Jersey, Pennsylvania and shippers from points on the Baltimore Maryland &c who are to New England must abandon that trade, and correlatively it means that all New England shippers will thereafter be unable to ship to points on these railroads.

This would be discrimination of the mos serious kind against manufacturers and shippers at all these points and would put them at the mercy of their competitors. It would work peculiar hardship upon all industries that arounder contract to deliver in the future at points on these roads and would put an end to an exchange of business that has been going on freely and indeed has been encour than twenty years last past continuously

The Jersey Central stands for the open door It seeks to keep allithese channels of communication to which business has accustomed itself open freely to all.

in New England have already come to us in the greatest alarm, and we have every reasen to suppose that they will call this matter, which is so vital to them and to the communities in which they live, to the attention of their respective Boards of Trade, Chambers of Commerce, &c., or perhaps the Interstate

We do not understand that the question of settlement for car bire, or per diem, as it is generally known, enters into this matter in any form, for the reason that other roads doing business with the New Haven company have not been called upon to discontinue their service with that company.

The Poughkeepsie bridge route which is mentioned in connection with this embargo upon the business interests of the communit we serve is a visionary measure, utterly im-possible and impracticable beyond the extent long as the New York, New Haven and Hart ford Railroad continues to interchange traf-fic with other railroad companies via the Jersey City gateway it cannot discriminate against the shippers and industries upon our line and in favor of those upon other lines

The blow falls upon the commercial interests rather than upon the railroad company which serves them. We do not believe that the matter has been sufficiently considered in all of its aspects by the New York, New Slaven and Hartford Railroad Company, and that upon further consideration, and in view of the irreparable damage which will be com-mitted against those industries which will a cut off, the embargo will be withdrawn

The change will benefit the Pennsylania Railroad as much as it will hurt the The position of the New Haven road in the contest has been strengthened by the mt of the Boston and Maine and the Boston and Albany from the per diem

agreement. This agreement was first entered into in July, 1902, by the railways constituting the American Railway Association. The old mileage system led to much loss by delay, and it was arranged that roads should be charged for the use of cars by the day instead of the mile.

This summer the roads in the associatio roted, in spite of protest by the New Haven that the rate charged for cars be increase from 30 to 50 cents a day. The New Haven immediately gave three months notice that it would withdraw from the agreen Its retirement has resulted in its having the use of foreign cars free of charge. Naturally other roads, to avoid having their mers out of their system and earning no per diem, billed as much as possible of their freight to New England points via the Boston and Maine and the Boston and Ubany. Roads connecting with the New aven were careful not to ship over the w Haven foreign cars that had come to m, as they were responsible to the road owned the care for the per diem charge. at the New-Haven intends to fight the

MILLION OFFER TO EQUITABLE

of the Boston and Maine, which recently passed under its control. The reason for

the Boston and Albany's action is not so

obvious. Either the New Haven was able

to influence it or else it was found that the

noreased freight traffic was congesting

the road and piling up its per diem charges

to an extent that overbalanced the profit

from the increased business. At any rate

the only entrance now to New England over

a road still in the per diens agreement is

to Portland, Me. over the Grand Trunk

The New Haven in defence of its action

holds that it occuipes a peculiar situation

in the railroad field. It is very largely

ing to New England is the bulky rough

product, freight leaving New England is

light. As a result freight cars come in

full and a large part of them go out again

empty and so bring no profit to the New Haven. A law in Connecticut requires

that the New Haven allow consignees

ninety-five hours instead of the usual forty-

eight hours to unload cars before charging

demurrage. Fear of hostile legislation has

all over its system. All this, the road sets

up, has made handling of freight by it

pay 50 cents a day for foreign cars.

peculiarly expensive, and it cannot afford

Action of some kind will undoubtedly be

brought by the merchants affected by the

cancellation of rates and the whole affair

will probably be settled at the same time.

MINUPON BROWNSVILLE REPORT

But All Save Three Republican Senators

Will Vote to Sustain the President.

in the Sanata Committee on Military Af-

on the character and scope of the report

which it will make to the Senate of its in-

vestigation of the affray at Brownsville

Tex., in August, 1906, which resulted in the

dismissal of three companies of pegro

troops from the army by President Roose-

velt. After a long discussion to-day the

committee adjourned until Thursday. It

The membership of the committee

ery much divided. Senators Fulton of

Oregon and Hemenway of Indiana, about

whose attitude there has been some un-

ing that they would join with the majority

to sustain the contention of President

Moosevelt that the negro soldiers were re-

But some of the Republicans who will sign

approval of the President's action in dis-

missing the negro troops by recommend-

ing that all the discharged soldiers who

can show that they were not concerned in

the raid and did not try to conceal the

identity of the guilty persons shall be re-

majority object to any such qualification. They hold that none of the discharged

soldiers should be reinstated and want to

make a recommendation that all pegroes

five Republicans who will act with the

Democrats in fixing on the negro troops

the responsibility for the raid will not go

that far. Senators Foraker, Scott and

Bulkley, the Republicans who will submit

a minority report, will hold that the evi-

dence does not warrant fastening the guilt

upon the discharged soldiers and may

recommend that all the men discharged be

restored to the army immediately. It seems to be pretty well established that

three reports will be submitted by the

NO HOPE FOR MINE VICTUMS.

Men Known to Be Dead

BELLE VERNON, Pa., Dec. 2.-It is certain

o-night that forty-nine miners have per-

ished in the Naomi mine that blew up last

night. At 9 o'clock a score of rescuers

were called from the work. There is no

longer hope of rescue, as no one could live

in the mine. The body of Joseph Sepley.

a pumper, is the only one that has been

Entry No. 38, about 1,000 feet from the

surface, is reported by the last rescuers

as literally blocked with fragments of dead

bodies. At 3 o'clock a rescue party came

upon a mass that had been the bodies of

The little village of Noami has few bread-

winners left. There are only eighteen men

in the village. Most of these were saved

because they would not work on Sunday.

The others were drunk-too drunk to enter

the mine-and were turned back by the

Mrs. Lucy Charles is joyous to-night, for

her husband, Samuel Charles, was one of

the men turned back last night because he

signed the pladge for five years.

for the mine.

was intoxicated. This morning Charles

One of the most pitiful scenes is at the

home of John D. Harry, who with his three

sons, Robert, Hugh and Samuel, was killed.

The Harrys-are English, and had arranged

to return to England, sailing from New

York December 10. There was a farewell

dinner to friends at the Harry home late

yesterday before father and sons started

Several rescue parties were overcome this afternoon. Mine Inspector Henry

Leutitt, heading a party, was overcome at

o'clock and had to be carried to the sur-

face. William Moorhead of the same

party is at his home in a critical condition

from gas poisoning. Supt. James Hen-

derson and Thomas Thomas were also over-

OKLAHOMA LEGISLATURE.

First Day's Session Devoted to Organiza-

tion-Governor's Message To-day.

GUTHRIB, Okla,, Dec. 2.-Oklahoma's

irst Legislature convened here to-day

Great interest was manifested in the

incident and every available seat was filled.

The day was taken up in organizing both houses. Gov. Charles Haskell will not deliver

PORTLAND, Me., Dec. 2. Portland, the

largest city in Maine, the first to hold its

nunicipal election, was recaptured by the Republicans to-day after two years of Democratic administration. Adam P. Leighton, a leading business man and manufacturer, was elected Mayor, defeating Mayor Nathan Chiford by I,189 [lural-

PAAN'S Restaurant. Park Pow Bidg. Fo

come and are in a serious condition.

in the temporary State Capitol.

is message until to-morrow

shall be excluded from enlistment.

The four Democrate who agree with the

stored to the army.

sponsible for "shooting up" Brownsvill

certainty, made it plain at to-day's meet-

mitted to the Senate until next week.

fairs in its attempt to reach an agreement

WASHINGTON, Dec. 2. There is a mixup

Commerce Commission.

either by the law courts or by the Interstate

and that is a very small foothold.

HYDE AND OTHER OLD DIREC-TORS SEEK A SETTLEMENT.

This isn't Likely to Stop the Attorney General's Suit -- Present Directors "Convinced" Hyde That He'd Better Pay Up -All Underwriting Profits Included:

James Hazen Hyde and other member of the old directorate of the Equitable Life Assurance Society have offered to turn back more than \$1,000,000 into the treasury of that institution. It is understood that the amount which Mr. Hyde alone offers to restore is nearly \$1,000,000.

Apparently one of the purposes which Mr. Hyde and others in the old directorate have in making this offer is to get the Attorney-General to discontinue the suit which was begun two years ago on behalf of the State against the entire board of the Equitable. Samuel Untermyer, Mr. Hyde's counsel, wrote to Attorney-General Jackson some time ago setting forth the settlement which Mr. Hyde and other directors had proposed to the society's present board of directors. The Attorney-General is not inclined to accept any settlement and is making preparations to push

The offers of Mr. Hyde and the other old directors apparently were not voluntary. Almost a year ago the new board of the Equitable appointed a special committee to deal with the claims which the society had against members of the old régime. This committee was made up of J. Edward Swanstrom, Thomas Spratt and another director. This committee entered into negotiations with Mr. Hyde's representatives and finally came to a satisfactory understanding with him.

When one director was asked yesterday what it was that had influenced Mr. Hyde to consent to part with such a large amount of money without a contest he said that the directors' committee had been in a position where they were able to convince Mr. Hyde that this would be the wiser course. This director was asked also if any evidence of criminal transactions had been turned up by the committee in the Equitable, but he leclined to discuss that.

The committee submitted some time ago to the board of directors a report of the proposed settlement, but the board decided to do nothing until the matter had been submitted to the Attorney-General for his approval. This was done by the board merely as an act of courtesy to the Attorney-General, for the pending State suit covers all the transactions in which the society has claims against Hyde and other directors. A member of the committee said yesterday that no definite reply General as yet, but the proposition will not be accepted by the directors if he objects.

Mr. Hyde, before he sailed for Europe a year or more ago, refused to admit that the Equitable society had any legitimate claim against him. He had put up a check for \$62,233 with the Equitable society to tions in which the company also had been interested. This check, according to the understanding then, was to remain in the possession of the society until the Court determined whether or not the profits had been made unlawfully. Mr. Hyde, in his present proposition, agrees to turn the full amount of his underwriting profits into the society treasury.

Other transactions involved in the restitution proposition are the Turber loan, the Mercantile Safe Deposit Company leases, the Security Safe Deposit Company leases and the sale by Mr. Hyde of 1,410 shares of the Missouri Safe Deposit Company

stock to the Equitable. The Turner loan transaction was one in which Henry B. Hyde, James Hazen's father, was concerned. Securities that were objected to by the national bank examiners among the assets of the Western National Bank were transferred by the elder Hyde and others to the Mercantile Trust Company, Hyde and the others being large stockholders in the Western National Bank as well as in the trust company. A note was given by a clerk to insure the Mercantile against loss, and it was indorsed by Hyde and the other to cover losses on this transaction from the Equitable Life's treasury. The new board of directors has always contended it had a claim against the Mercantile Trust. while the trust company looked to the

were also put through by the elder Hyde. The society charged the companies ridiculously low rentals, and put in all the vaults. boxes, &c., and at the same time furnished watchmen and light, heat and power. The lease of the Mercantile Safe Deposit Company was drawn for ninety-nine years, and one of the directors said yesterday that it had prevented the society from accepting an offer of \$16,000,000 made recently for the Equitable building and site. Under the terms of the proposed settlement this

lease would be cancelled. The suit against the Equitable was begun by Julius Mayer when he was Attorney General. The directors demurred to the complaint and the demurrers were upheld Later the complaint was amended and new demurrers were overruled. The argument on the appeal of the demurrers has been set

for this month. Mr. Hyde has sold most of his property in this country, including his country place, and all his horses and carriages. It has been reported frequently that he intended to make his home in France for the rest of his life, but this has been denied. He has not returned to this country since leaving after the insurance investigation. He was served with papers in the Attorney-General's suit before he left.

If Mr. Hyde's offer were accepted he would relieve himself of just about half the amount which he received from Thomas F Ryan for a majority of the Equitable stock.

Battleship Nebraska Makes Over 18 Knots. WASHINGTON, Dec. 2.- The Bureau of Navigation of the Navy Department

ceived a telegram to-day saying that the battleship Nebraska, in her final acceptance trial on the Pacific coast off Puget Sound, made a speed of 18.88 knots under

FAILS FOR \$1,000,000.

Michigan State Treasurer's Bank Closed -State a Henry Depositor.

DETROIT, Dec. 2 .- It was announced by State Banking Commissioner Zimmerman to-day that the Chelsea (Mich.) Savings Bank, of which State Treasurer Frank P. Glazier is president, and which has \$684,000 of State funds will not open tonorrow and will be taken in charge by the Banking Commissioner.

Glazier is also president of the Chelsea Stove Company, for which a receiver will be appointed. It is estimated his assets will not cover one-fourth of the alleged \$1,000,000 liabilities. The stove company is capitalized at \$600,000 and the bank at \$100,000.

Glazier gave a bond of \$150,000 as State Treasurer and the Chelsea also is under bond to the State for \$200,000. Glazier was one of the leading candidates for the coming Gubernatorial election.

HOUSE BILL RECORD BROKEN. New Mark for an Opening Day-About

WASHINGTON, Dec. 2 .- The House broke all previous records for the number of measures introduced on the opening day. The public bills and resolutions reached approximately 550, while there were somebing like 3,500 private measures which the Clerk had received up to midnight. As he has done heretofore, Representative Brownlow of Tennessee led all of his fellow members in the number of bills presented. The greater portion of them were for pensions. Representative Williams of Mississippi with his tariff reduction bills ran Mr. Brownlow a close second.

There were several currency bills, but not as many as was expected. There were tariff bills by the dozen and public building pills by the score; bills to amend and bills to rereal the bankruptcy act; resolutions to amend the Constitution for all sorts of purposes; bills to construct national highways; bills to abolish things and bills to create things and bills to regulate about everything under the control of the Federal Government and everything not under such control; anti-injunction bills and bills to amend laws; bills to direct the Interstat Commerce Commission and various departments of the Government to do things; bills for publicity of campaign expenses and bills to prevent corporations from contributing to campaign funds; bills to issue bonds to the extent of \$500,000,000 to carry out the Mississippi River project; bills to deepen other waterways; bills relating to the public lands and to irrigation; bills to give rensions and bills to spend money in a hundred different ways, and bills to establish new judicial districts and to provide for more Judges. There were bills, bills and bills, and then more bills, until the clerks were weary and worn out recording and referring them.

ALARAMA OFFICER'S CONT' MPT-Called to U. S. Court for Alleged Threat

to Have Rate Injunction Server Arrested. MONTOOMERY, Ala., Dec. 2 .- Henry B. Stegall, solicitor of the Third Circuit, with residence at Ozark, has been cited to appear before Thomas C. Jones, Judge of the United States Court for the Middle district. itting in the railroad injunction cases as Judge of the Fifth Circuit, on December 5. to show cause why he should not be adjudged in contempt of that court, it being alleged by United States Deputy Marshal William Pulliam that Stegall threatened to have him arrested when he went to his office to serve the orders of the court in the railroad injunction petition

In the order it is said that "it seems to the Court that, unexplained, a prima facie case is shown of criminal contempt of the authority of the Court."

The punishment for "any who may by threat or otherwise impede an officer in the discharge of his duty" is not more than \$500 fine and six months imprisonment or

CORNELL RAISES STANDARDS. College Degree or Equivalent for Admit

Cornell University announces that after 1908 a college education or its equivalent will be necessary for admission to the medical school. The announcement says that candidates must hereafter "be (1) graduates of approved colleges or scientific schools, seniors in Cornell University or other approved college or scientific school, or persons who while not possessing a bachelor's degree give evidence by examination that they have acquired an equivalent

The university explains that there have een great advances in recent years in the practice of medicine and surgery and that he medical curriculum has been so overburdened that the present four year course n medicine is impossible.

"The period of four years is deemed sufficient at present if devoted entirely to strictly medical subjects; otherwise it not," the announcement says.

A committee will be appointed from the faculties of the different colleges at Cornell to pass on students who apply for admission without the requisite official certificates.

POLICE STOP CHURCH FIGHT. Mt. Olivet Baptists in Collision Over Keeping the Pastor.

A wagon load of police was called last night to Mount Olivet Baptist Church, at 159 West Fifty-third street, where 300 negroes had met to consider a proposition to increase the salary of the minister, the Rev. Matthew W. Gilbert, from \$150 a month to \$225.

One of the oldest descons in the church, John S. Waters, strenuously objected to granting the increase when it was first proposed and Mr. Gilbert sent in his resignation. Last night one of the deacons, Xenophon Wesley Jackson, moved that

the resignation be accepted.

J. S. Brown, a public school teacher, arose immediately and moved that it be not accepted. Finally Mr. Gilbert put a motion that his resignation be rejected and his salary in-

When the tellers advanced to the platform to announce the result of the vote a score or more of the parishioners opposed to the pastor tried to prevent them from announcing it, and in a jiffy a fight was on.

With the arrival of the police hostilities coased. There were no arrests.

And drink the Highest Types of American Wines. H. T. Dewey & Sons Co., 130 Futton St., New York. After ail, USBER'S, the Scotch

PROPOSED CURRENCY

The Prevailing Opinion Is in Favor of Taxable Certificates or Notes, Issued by Clearing Houses or Banks, Having All the Vaine of Government Paper.

CONGRESS LEADERS WORKING

OUT THE DETAILS.

WASHINGTON, Dec. 2.-The Senate and he House leaders are getting their ideas pretty well defined as to the character and cope of the currency bill which they will ntroduce. They have not worked out the details and say that it will require much study and inquiry to lay even the foundation for the measure, but the prevailing opinion among them seems to be that the taxable certificates or notes to be issued by clearing houses or banks, or both, which they have in mind to give elasticity to the currency, must be secured in such a way as to have all the value and attract all the con-Sidence of Government paper

That this stability can be given without confining the collateral for the issue to Government bonds is accepted by the leaders. They are willing that the bonds of some States shall be accepted and that other minor and unofficial bonds may be utilized for collateral, but they have not determined unong themselves just how far the list of approved securities shall be extended.

One point to which they are giving con sideration is whether the authority to determine what securities may be accepted and at what proportion of their face value they shall be taken shall be placed in the unds of one administrative officer. Some of the leaders have raised the question of the wisdom of granting that authority to any one man.

Another point under consideration affects e amount of the certificates or notes that shall be authorized or whether any limit of save at all shall be fixed. Suggestions have been made of various large amounts as the maximum issue of this proposed additional currency, one suggestion placing it as high as a thousand million dollars.

Speaker Cannon had a conference this afternoon with Chairman Aldrich of the Senate Committee on Finance. There is evidence that the leaders of the Senate and the House are willing to join forces in the ope of getting a satisfactory bill.

Although Speaker Cannon would make no formal announcement on the subject today it is expected that to-morrow he will announce the Committee on Banking and Currency. He will take this course, it was aid, in order that the committee may get to work at once if it is desired to do so and shape whatever legislation it may see fit to submit to the House. The Speaker has been besieged with all sorts of financial plans, not only those embodied in bills introduced to-day but in letters and teleciers. He desired to put the entire matter in the hards of the Banking and Currency 'ommittee and let its members fight it out furthermore, should any measure come over from the Senate the House Committee. it was explained, would then be prepared to deal with it

There seems to be little doubt the sentative Burton of Ohio will be assigned to tae committee. Mr. Burton, who has written a book on finance, has some financial plans of his own, and these are not in harmony with the ideas of Representative Fowler. Mr. Fowler will continue as chairman of the committee, but the leaders who do not agree with Mr. Fowler feel that with Mr. Burton on deck Mr. Fowler will no longer be able to dominate the sentiment of the committee. In fact it is the opini that the Speaker's purpose in putting Mr. Burton on the committee is to combat Mr. Fowler.

It is not likely that Mr. Burton will lose his place as chairman of the Committee on Rivers and Harbors by the new assignment, although he is said to be willing to retire from the chairmanship if he could he placed at the head of the Committee on Banking and Currency. It has not been considered advisable, however, to remove

The Democrats are fighting to get an adhardly probable that this advantage will

MAY DISCHARGE 6,000 MEN. fany From Brooklyn Yard Unless Congress Approves Naval Programme

Washington, Dec. 2.—Representatives McCleary and Bingham of Pennsylvania called on Secretary of the Navy Metcalf to-day to protest against the laying off of the mechanics at the League Island Navy Yard who will not be needed when the repairs to the big battleships are completed and the fleet leaves the Atlantic Ocean on its long cruise to the Pacific.

Mr. Metcaif called the attention of his isitors to the fact that in his annual report he recommended the construction at Government navy yards of four colliers, and pointed out that if Congress approved his building programme there would be sufficient work to keep the men now employed at the Government navy yards. If this building programme is not adopted, however, about six thousand men at the navy vards along the Atlantic coast will be thrown out of employment

The officials of the Navy Department would not venture to predict how many men would be discharged at the Brooklyn navy yard, but the number will be large. At present there are about 4,000 men emplayed at the Brooklyn yard, and the departure of the Atlantic fleet will make necessary a large decrease in this force.

American Stoned to Death in Mexico on Thanks living Day by Unpaid Employees. MEXICO CITY, Dec. 2. Details of the urder of William R. Boggs, an American nining man, near Topia, Mex., have been eceived here.

been able to pay the miners in his employ promptly. A mob of them met him on he road and stoned him to death. His body lay on the road for several hours. Fifteen of the alleged murderers have

been arrested. Boggs was a near relative of Gen. Boggs of the United States Army. His horse was in Iredell county, N. C. The ragedy took place on Thanksgiving Day

BILL PLEA FOR NAMELESS CONVICT.

Escaped From Texas Penitentiary LE Years Ago-Now Prominent in New York. AUSTIN, Tex.; Dec. 2.-Gov. Campbell today received letters from Ella Wheeler Wilcox of New York and a firm of lawyers of that city recommending the pardon of an ex-convict who escaped from the Texas penitentiary fifteen years ago.

It is stated in the letters that the man is now in business in New York and that he has wealth and influence. His name is not

Gov. Campbell will not consider the application for pardon unless the ex-convict's give up all intercollegiate sports. name is given.

H. O. HAVEMEYER ILL.

Attack of Acute Indigestion at Country Home Makes His Condition Serious. Henry O. Havemeyer is seriously ill at

his country place, Merrivale Commack, Long Island, where he had an attack of acute indigestion on Thanksgiving Day. Dr. Ross of Brentwood was called to attend him, but his condition grew so serious yesterday that his physician from New York and members of his family were

A friend of Mr. Havemeyer who went out to see him yesterday and returned to New York last night said that his condition was grave. At Mr. Havemeyer's home it was said last night that he was much better and that no fears were felt

MAURETANIA DOES 23.91. Met a Strong Northeasterly Gale Her First

Two Days Out. Vernon H. Brown, general agent at this port of the Cunard Line, received vesterday from Capt. Pritchard of the steamship Mauretania, flying eastward in an effort to break a record, a despatch saying that the great turbine was 1,052 miles east of Sandy Hook at 10 o'clock yesterday morning, that she had averaged 23.91 knots in the teeth of a strong northeasterly gale and that all were well. The despatch came by way of the wireless station at Cape Race. The average of the Lusitania on her best eastward run was more than 24 knots. Good weather may enable the Mauretania to beat the Lusitania's record.

MANY DIE OF HEART DISEASE. Possibly Significant Increase Over the Last Week of November, 1906.

The city mortality list for the week ender November 30 shows a big increase of deaths from heart diseases over the corresponding week of 1906. The deaths from this cause last week were 164; during the week ended December 1, 1906, the number was 95.

There is also a marked increase in the total death rate, only a part of which is explained by the increase in deaths from heart trouble. The total last week was 1,346; for the corresponding week in 1903 at was 1,244. The number of deaths per thousand inhabitants for the two weeks

are respectively 16.39 and 15,63. Commissioner Darlington was asked vesterday if, in his opinion, the financial and business situation was at least partly responsible for the increase in deaths from heart trouble. He declined to express an

Secretary Will Be in St. Petersburg To-day -Dinners in His Honor.

Special Cable Despatch to The Sun St. Petersburg, Dec. 2.-Secretary of War Taft, who is returning to the United States from Manila by way of Russia, was the guest of honor at a banquet given to-night by Lieut.-Gen. Guerchelmann,

Governor-General of Moscow. Mr. Taft is due to arrive here to-morrow when the Czar will receive him in audience. On Wednesday M. Isvolsky, Minister of Foreign Affairs, will give a dinner in his

He will leave for Hamburg, where he is to embark on Thursday.

OLD VILLAGE DISCOVERED.

Panama Canal Workers Find It - Sat Been Burled in Underbrush for Twenty Years. WASHINGTON, Dec. 2 .- The engineers engaged in the Chagres division of the Panama Canal have reported to the Canal Commission in this city that they have discovered the remains of an entire village built by the Frenc's during their occupation of the isthmus. The village has been buried in a dense growth of jungle underbrus's for the last twenty years. It consists of nine sais of quarters for married men. twenty-two barracks and mess hails and a small machine shop. Some of thes buildings wift be reclaimed by the Canat Commission and put into use. The discovery of the village was a complete sur-

FIVE STEAMERS A WEEK. Bremen Line Skips Friday Out

The North German Lloyd Line will have a steamship leaving New York every weekday this week except Friday. The line defers to the nautical superstition out of regard for the feelings of its able seamen, who might not work with enthusiasm on a versel that boldly defied the tradi-tions of the sea. Usually only constwise and West Indian craft leave port on Friday. Until about a year ago the White Star Line used to send out one of its big ships nearly every Friday in the summer season, and nothing happened to them any more serious than used to when they did not sail on Friday. But the feeling against Friday

sailings persists.

The Oldenburg sailed yesterday, the Krongrins Wilhelm leaves to-day, the Neckar goes away to-morrow, the Grosser Kurfuerst on Thursday and the Friedrich der Grosse on Saturday. The steerage of every one of these ships will be crowded

GOT T. N. M'CAULEY.

Los Angeles Police Find Missing Mercantile Agency President Chief of Police Keen of Los Angeles

telegraphed here last night that Thomas N. Mcfauley, former president of the In-York, had been arrested there. McCauley, while president of the Mer-

cantile agency, which afterward went into the hands of a receiver, was arrested on the charge of embezzling \$5,000 given to him to invest in the company's stock by Frank Wood, a Boston printer.

McCauley got out on \$5,000 bail, and when his case was called, Septemper 28, 1904, he

COLLEGE TO REJECT MILLIONS

SWARTHMORK WILL NOT AGREE TO BLIMINATE SPORTS.

Miss Joanes's Conditional Request May He Ferther Considered but Will Not Be Accepted-Pointed Comments of College Presidents on College Dependence

lege will not accept the millions which the secentrio Quakeress, Miss Anna T. Jeanes, left to it on condition that the institution

Upon the ground that it would be morally and legally wrong for a college to surrender any of its rights in consideration of a sum of money President Swain of Swarthmore announced to the board of trustees that he was opposed to the acceptance of the bequest under the conditions imposed.

His statement was followed by a noncommittal one from the board but it was said to-night by a dozen of the members that President Swain's views were indorsed unanimously by the board and that, while a committee had been appointed and an expert would be selected to discover the actual value of the gift, the affair was really a closed incident.

"I doubt the wisdom of accepting, without qualification, the conditional gift of Miss Jeanes, even if the property is worth \$1,000,000 or more," said President Swain to the trustees. "But if the value of the gift is very large I am willing and even anxious to try the experiment with the understanding that the property revert to the executors of the estate in case the gift is found, after a fair trial, to be of less value to the highest interests of the college than the lack of freedom of action of the board which the condition of the will im-

This suggested compromise, it was stated to-night, would not be agreed to by the heirs of Miss Jeanes even if the law would allow them to accept it. Attorneys consulted said that the terms of the will were very specific and could not be withdrawn.

"I conditionally give and bequeath to Swarthmore College," the will said, "all my coal lends and mineral rights in the State of Pennsylvania, together with fivetract. on condition that the managemen of the aforesaid Swarthmore College shall discentinue and abandon all participation in intercollegiate athletics, sports and

Then followed the proviso that in case the condition was not complied with the lands should be sold and the proceeds turned in to the general estate. This means that it will go to the Society of Friends for use in the Jeanes Cancer Hoa-

It was stated to-day that the value of the bequest would probably reach \$3,000,000.

The presidents of Yale, Harvard, Princeon, Cornell, University of Pennsylvania and twenty-one other colleges and universities were consulted by President Swain before he made his announcement to the board of trustees. In this symposium Swarthmore divid

the institutions into two groups, the endows: university group composed of Harvard. Cornell, Chicago, Leland Stanford, Jr. Broad, Columbia, Pennsylvania and Princeton; and a State university group composes of California, Illinois, Indiana, Maine, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Virginia and Washington. and other institutions, including Amherst Cincinnati, Darsmouth, Vanderbilt and

Wabash. In his letters to the institutions the proviso of the will was cited and then these uestions were asked:

"In your opinion have the trustees of a college the right to bind for all time an institution of learning by such a restriction es the one montioned above? If so should the gift be accepted in a se

it amounts to \$1,500,000 or more? "If the gift should be 350,000, what then Harvard, Cornell, Chicago, Johnd Ma No ford, Jr., and Broad answered all times questions in the negative. Columbia, Fenn sylvania and Princeton were noncommitta Of the State university group, Californ. Illinois, a sine, Virginia answered no to alt three ladizna was noncommittal on el. Michigan was noncommitted on the fire and answered no to the others. Miss wire,

Nebreeka, North Dakota and Minnosota

enswered yes to the first two and no so the

third. Ohio and Washington answered: "Yes, legally; no, as to policy" to the first and no to the second and third. Amherst said yes to the first and left time swered yes to the first two and left the third unanswered. Dartmouth answered no to all. Vanderbilt said yes to the first two and no to the third. Wabash answered no. yes.

no. The summary of all answers was: affirmative, five noncommittal, two say yes legally, no morally.

Question No. 2-Thirteen negative, seven affirmative, four noncommittal, one unanswered. four noncommittal, four unanswered.

Upon the receipt of the letters containing the views of the presidents Dr. Swain made his report. In it he gave his opinion as "If a college agrees to give up inter-collegiate athletica for a certain sum of money, why may it not agree to continue intercollegiate athletics forever for a certain sum of money? Why not agree to

have or not to have forever military drill have or not to have forever military drill as part of the college curriculum.

"If any body of trustees assumes to be wise enough to decide such a matter for all time why not decide in a similar way the propriety of teaching or not teaching the free coinage of silver or the gold standard, the doctrine of materialism or what not?

"Suppose that in the middle of the eight

"Suppose that in the middle of the eigh teenth century a college had been richly endowed on condition that it should teach loyalty to the king or even more recen to justify human slavery. Can we imagine a more difficult position than that of an

institution bound to a trust the terms of which had become absolutely at variance with the development of society?

The official statement of the trustees following this was nenonmettal. merely said that the value of the estate would be considered and that an engineer to look it over would be appointed.

President Swain will have a conference

within the next few weeks with the trust of the cetate and will find out whet

prise to the canal workers.

MURDERED BY PEONS.

Owing to financial stringency he had not

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